



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

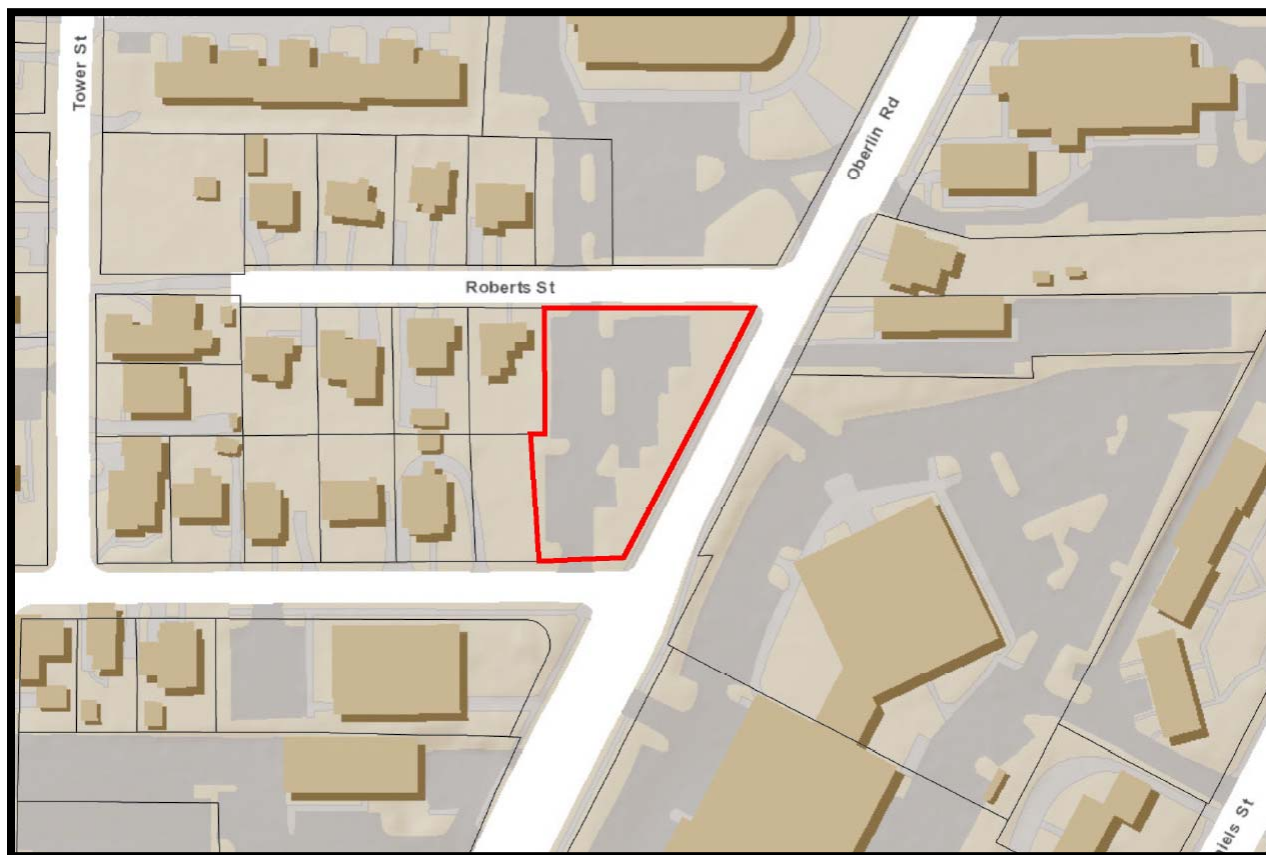
Case File: A-113-16

Property Address: 0 Oberlin Road (PIN 1704041151)

Property Owner: Oberlin Investors, LLC

Project Contact: Isabel Mattox

Nature of Case: A request for a variance in the Neighborhood Transitions requirements set forth in Article 3.5 of the Unified Development Ordinance, including either (i) application of the exemption contained in Section 3.5.1.C for three-story residential buildings on RX zoned lots to be applied to a three-story residential building on an OX-3-UL zoned lot; or (ii) (A) a 15-foot variance in the collective width of the Zone A and Zone B protective yards and (B) a 10-foot variance in the maximum height permitted in Zone C, in either case to allow for the construction of a three story apartment building type on a .54 acre site zoned Office Mixed-Use-3-Urban Limited (OX-3-UL) and located at 0 Oberlin Road (PIN 1704041151).

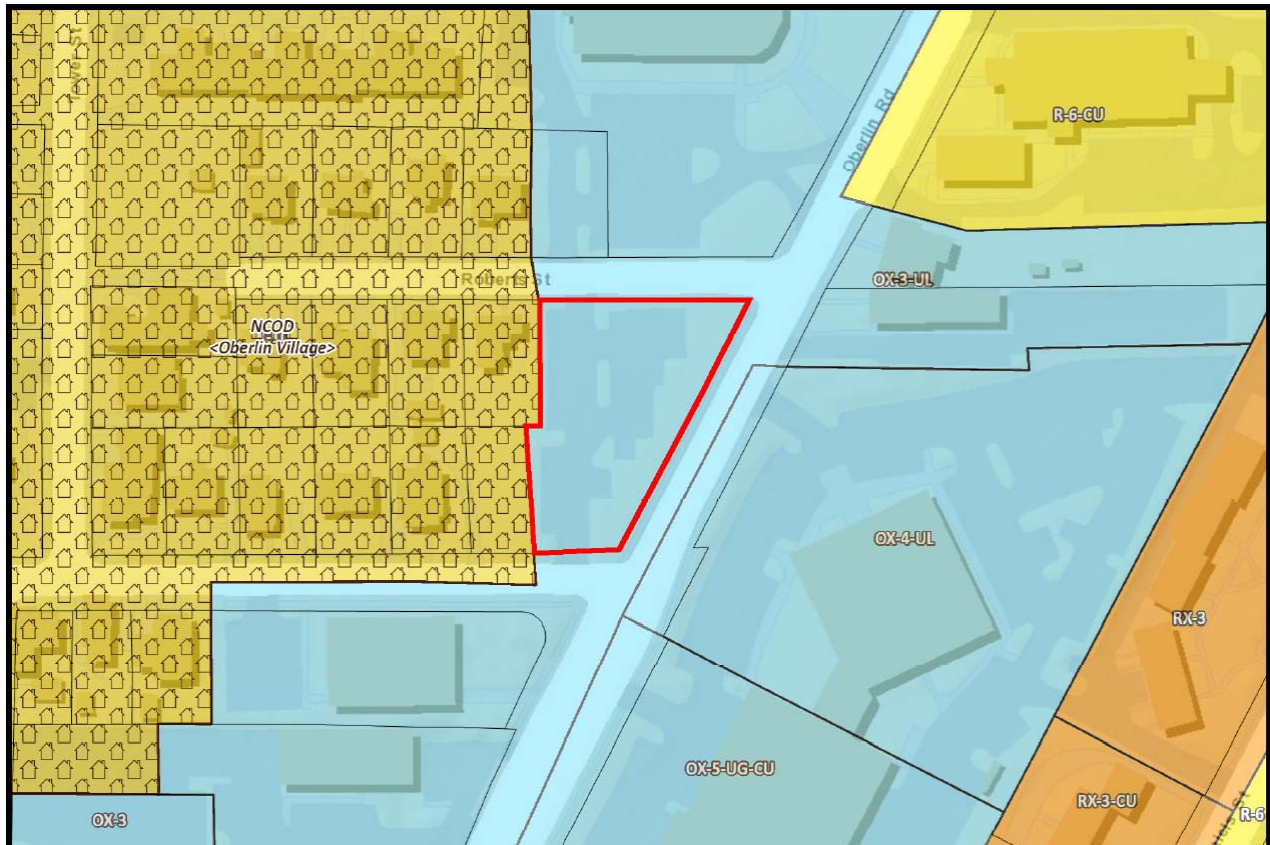


0 Oberlin Road – Location Map

To BOA: 10-10-16

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Office Mixed-Use-3-Urban Limited (OX-3-UL)



0 Oberlin Road – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Setback Standards: The subject property is zoned OX-3-UL

<u>Yard Type</u>	<u>Minimum Setback</u>
Front Yard	0'
Side Street	0'
Side	0'
Rear	0'

Article 3.5. Neighborhood Transitions

Sec. 3.5.1. Applicability

- A. The following neighborhood transition standards apply in the Mixed Use and Campus Districts when the following occurs:
1. The site immediately abuts a district boundary of an R-1, R-2, R-4 or R-6 district, except where the abutting property contains a civic use; or
 2. The site immediately abuts a district boundary of an R-10 district where the abutting property is vacant or contains an existing detached house or attached house used for residential purposes.
- B. Zone B does not apply to sites 50 feet or less in depth. In such cases, Zone C starts immediately adjacent to the Zone A protective yard.
- C. Zones B and C do not apply to detached house, attached house, townhouse or apartment building types in RX- where 3 stories is the maximum height.

Sec. 3.5.2. Transition Zones

A. Zone A: Protective Yard

- 1. Intent**
Intended to buffer and screen. Consists of vegetative landscaping and wall or fence. No buildings or structures allowed.
- 2. Location**
Immediately abutting district boundary line.
- 3. Width**
Varies (depends on protective yard type applied).

B. Zone B: Use Restricted

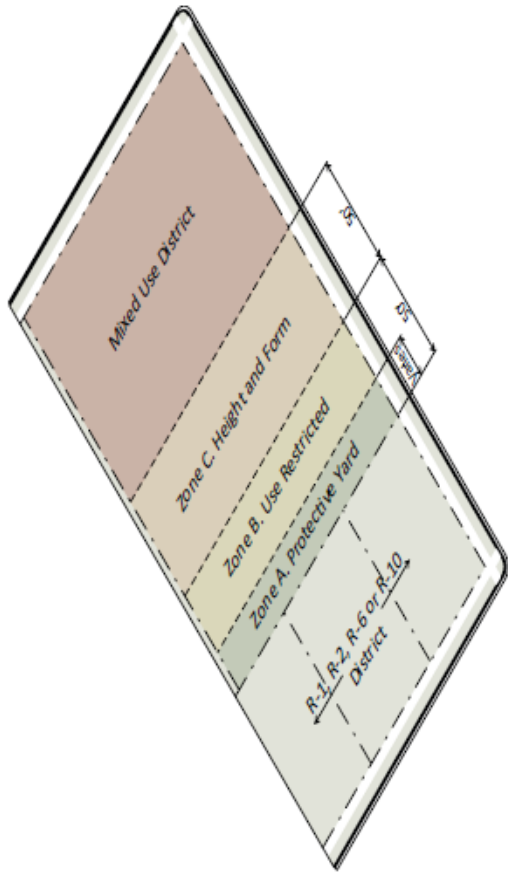
- 1. Intent**
Intended to be occupied by open areas and low intensity uses, such as surface parking, alleys, landscaping, playgrounds, outdoor dining, community serving buildings and service-related structures.
- 2. Location**
Located between Zone A and Zone C. Zone B starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line) and ends 50 feet from the district boundary line.

3. Width

50 feet from the district boundary line.

C. Zone C: Height and Form

- 1. Intent**
Intended to restrict the height and form of development so as to decrease the impact of new multi-story structures.
- 2. Location**
Located beyond and adjacent to Zone B. Zone C extends from 50 to 100 feet from district boundary line. When Zone B does not exist, Zone C starts at the inside edge of the Zone A protective yard (edge furthest from the district boundary line).
- 3. Width**
50 to 100 feet from the district boundary line. When Zone B does not exist, Zone C extends a maximum of 50 feet from inside edge of the Zone A protective yard (edge furthest from the district boundary line).



Sec. 3.5.3. Zone A: Protective Yard

A. Type 1: Narrow (10 feet)

1. Width

A Type 1 protective yard must be an average width of at least 10 feet.

2. Installation Requirements

A Type 1 protective yard must include the following:

- a. A wall between 6.5 and 9 feet in height;
- b. Four shade trees per 100 lineal feet;
- c. Three understory trees per 100 lineal feet; and
- d. 40 shrubs per 100 lineal feet.

B. Type 2: Medium (20 feet)

1. Width

A Type 2 protective yard must be an average width of at least 20 feet.

2. Installation Requirements

A Type 2 protective yard must include the following:

- a. A wall or fence between 6.5 and 9 feet in height;
- b. Five shade trees per 100 lineal feet;
- c. Four understory trees per 100 lineal feet; and
- d. 30 shrubs per 100 lineal feet.

C. Type 3: Wide (50 feet)

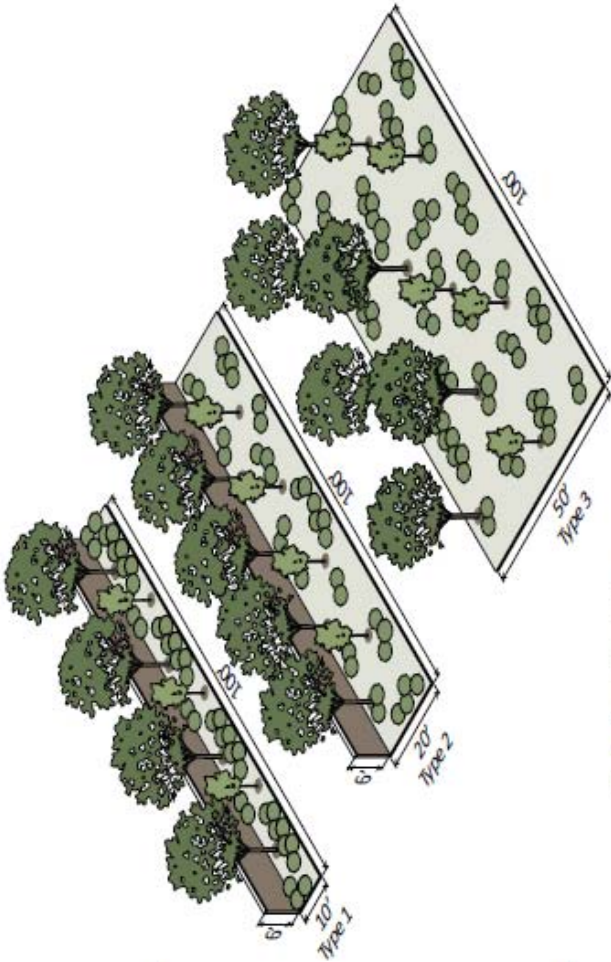
1. Width

A Type 3 protective yard must be an average width of at least 50 feet.

2. Installation Requirements

A Type 3 protective yard must include the following:

- a. Six shade trees per 100 lineal feet;
- b. Five understory canopy trees per 100 lineal feet; and
- c. 60 shrubs per 100 lineal feet.



3. Optional Provisions

- a. A fence or wall between 6.5 and 8 feet in height may be installed.
- b. In lieu of planting required shrubs, a berm with a minimum height of 3 feet may be installed.

4. Permitted uses

- a. Landscaping, fences, walls and berms.
- b. Swales, underground detention facilities and bioretention facilities. Detention facilities must be located at least 20 feet from the district boundary line. Landscaping quantities specified in Sec. 3.5.3.C.2. above may not be reduced.

D. Design and Installation

- 1. A required protective yard may be replaced with a tree conservation area that meets the requirements of *Article 9.1. Tree Conservation*.
- 2. Required landscaping in a protective yard must meet the design and installation requirements of Sec. 7.2.4.

3. In no case shall required landscaping exceed 30% of the total lot area, see Sec. 7.2.2.D.
4. Protective yards must meet the location requirements of Sec. 7.2.4.C.
5. Fences, walls and berms located in a protective yard must meet the requirements of Sec. 7.2.4.D. Fences, walls and berms cannot be located in a protective yard when the protective yard is also a tree conservation area.

Sec. 3.5.4. Zone B: Use Restrictions

A. Permitted Activity

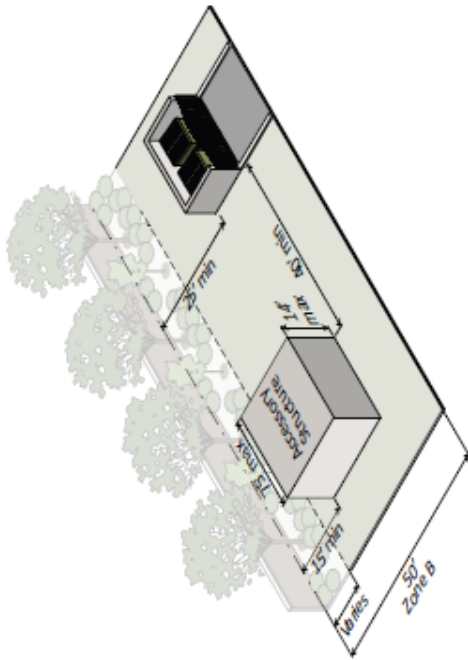
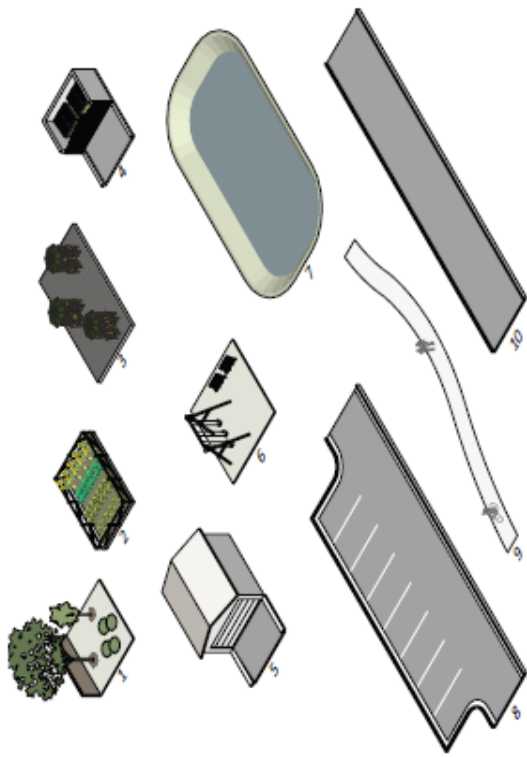
1. Protective yard, landscaping, fence, wall.
2. Garden.
3. Outdoor dining (not between the hours of 10 PM and 6 AM).
4. Service area.
5. Accessory garage, storage area.
6. Park, playground.
7. Stormwater detention.
8. Surface parking lot.
9. Path, walkway, sidewalk.
10. Alley.

B. Civic Building and Accessory Structures

1. An accessory structure can be no more than 14 feet in height and must be located at least 15 feet from the district boundary line.
2. Building walls parallel to the district boundary line can be no longer than 75 feet.
3. Buildings and structures must be spaced apart to maintain views. There must be a minimum of 40 feet between buildings and structures.

C. Service Areas

Trash collection, trash compaction, recycling collection and other similar service areas must be located at least 25 feet from the district boundary line.



Sec. 3.5.5. Zone C: Height and Form

A. Permitted Activity

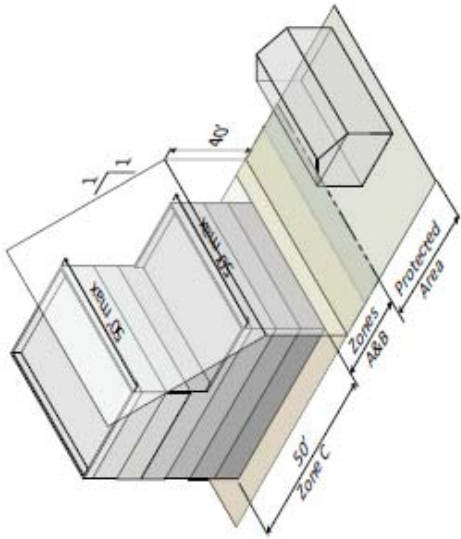
All structures and uses allowed in the zoning district are permitted in Zone C.

B. Height

1. No building or structure can be more than 40 feet in height at the Zone C line.
2. Height can increase subject to a 4.5 degree height plane measured from a height of 40 feet at the Zone C line, extending upward one foot for every additional foot of setback into the site.
3. The height plane applies up to 100 feet from the district boundary line.

C. Wall Articulation

The rear facade of the building that faces the residential property as described in Sec. 3.5.1.A. is subject to a maximum blank wall area of 30 feet as calculated in Sec. 1.5.10. The blank wall area provisions are not subject to an Administrative Alternate.



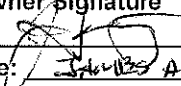
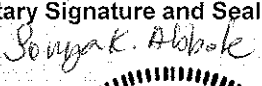
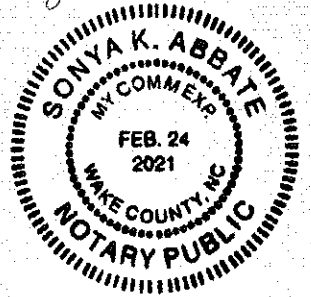
Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): SEE ATTACHED ADDENDUM	Transaction Number A-113-16
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 0 Oberlin Road	Date Sept. 9, 2016	
Property PIN 1704041151	Current Zoning OX-3-UL	
Nearest Intersection Oberlin Road and Roberts Street	Property size (in acres) 0.54 Acres	
Property Owner Oberlin Investors LLC	Phone	Fax
Owner's Mailing Address	Email	
Project Contact Person Isabel Worthy Mattox	Phone 919-828-7171	Fax 919-831-1205
Contact Person's Mailing Address PO Box 946, Raleigh, NC 27602	Email Isabel@mattoxfirm.com	
Property Owner Signature OBERLIN INVESTORS LLC BY:  Name & Title: JAMES ANTHONY, MANAGER	Email janthony@accre.com	
Notary Sworn and subscribed before me this <u>8th</u> day of <u>September</u> , 20 <u>16</u>	Notary Signature and Seal  	

Variance Application Addendum
0 Oberlin Road

The owner respectfully requests a variance from Article 3.5 Neighborhood Transitions to erect a three-story residential building on a triangular-shaped, 0.54 acre lot zoned OX-3-UL. This lot abuts an R-10 residential district with single family detached housing and therefore Neighborhood Transitions apply. In support of this request is Section 3.5.1.C of the UDO, which contains a Neighborhood Transition exemption providing that Zones B and C do not apply to residential buildings of no more than three stories in RX zoning districts. The proposed development will be a residential building of no more than three stories and would have had the benefit of the exemption if it had been located in an RX district rather than the OX district. The strict application of the ordinance on this unusually-shaped, half-acre lot would create the unnecessary hardship of 100 feet of Neighborhood Transition yards along the rear property line that would severely limit the development of this lot. This hardship was not created by the owner but is due to the shape, size, and zoning of the lot. The owner respectfully requests a variance to Article 3.5 that will allow one of the following:

(a) Allow the exemption contained in Section 3.5.1.C for three-story residential buildings on RX zoned lots to be applied to this three-story residential building on an OX zoned lot;

OR

(b) Reduce the collective width of the Zone A & Zone B protective yards from 50 feet to 35 feet and increase the height maximum of the Zone C protective yard from 40 feet to 50 feet.

OBERLIN ROAD SITE ANALYSIS:

SITE AREA: 0.54 ACRE
ZONING DISTRICT: OX-3-UL

BASE STANDARDS:

LOT AREA: 10,000 SF. MIN
OUTDOOR AMENITY AREA: 10%
BUILDING HEIGHT (STORIES): 3 MAX.
BUILDING HEIGHT (FEET): 50' MAX

FRONTAGE REQUIREMENTS:

PRIMARY STREET - 0' / 20' (MIN / MAX)
BUILDING WIDTH ON PRIMARY: 50% MIN.
SIDE STREET - 0' / 20' (MIN / MAX)
BUILDING WIDTH ON SIDE: 25% MIN.

TRANSPARENCY REQUIREMENTS:

GROUND STORY: 20% MIN.
UPPER STORY: 15% MIN.
BLANK WALL AREA: 35' MAX

PEDESTRIAN ACCESS:

PRIMARY STREET FACING ENTRANCE: YES
STREET FACING ENTRY SPACING: 75' MAX

STREETSCAPE REQUIREMENT:

STREETSCAPE WIDTH: 35' MAX
SIDEWALK: 8' MIN
PLANTING AREA: 6' MIN
WALKWAY TYPE: SIDEWALK
PLANTING TYPE: TREE GRATE / LAWN
TREE SPACING: 40' O.C. AVG.

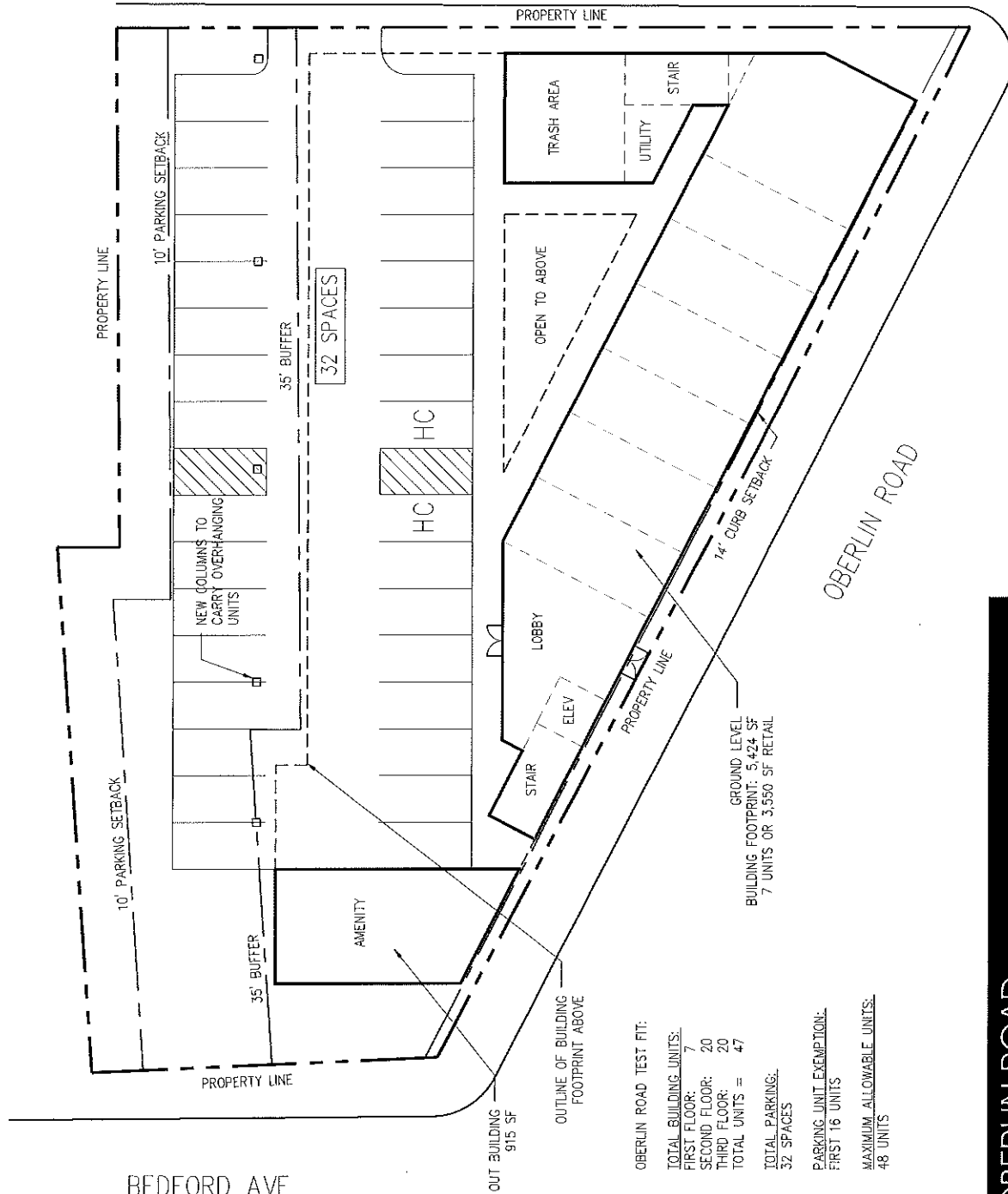
PARKING REQUIREMENTS:

1 SPACE PER UNIT
FIRST 16 UNITS ARE EXEMPT

NEIGHBORHOOD TRANSITIONS:

TYPE I: NARROW (10 FEET)
FENCE OR WALL: 6.5-9' HIGH
FOUR (4) SHADE TREES PER 100 FEET (FENCE)
FOUR (4) UNDERSTORY TREES PER 100 FEET

ROBERTS STREET



OBERLIN ROAD TEST FIT:

TOTAL BUILDING UNITS: 7
FIRST FLOOR: 20
SECOND FLOOR: 20
THIRD FLOOR: 20
TOTAL UNITS = 47

TOTAL PARKING: 32 SPACES

PARKING UNIT EXEMPTION:

FIRST 16 UNITS

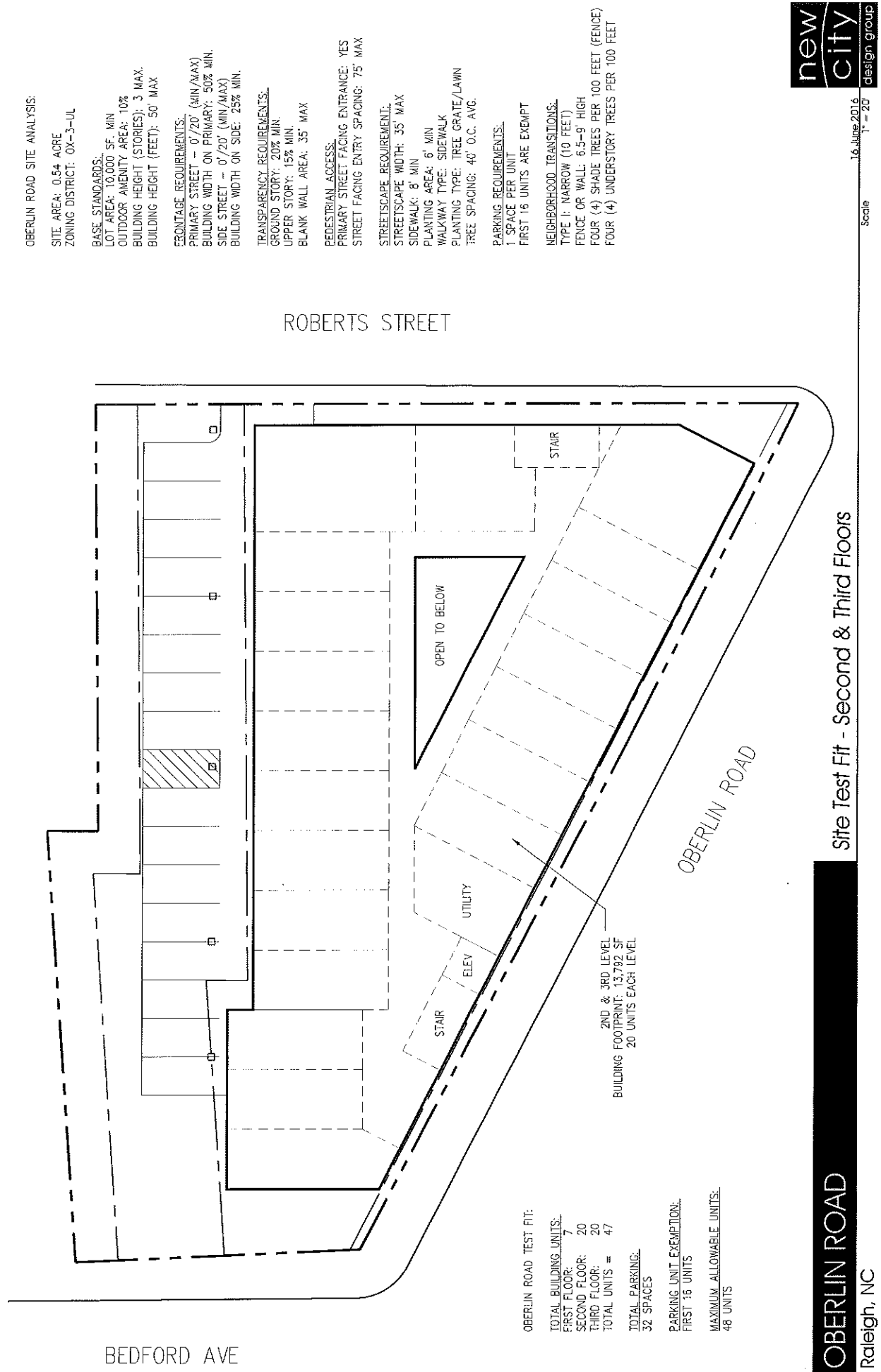
MAXIMUM ALLOWABLE UNITS:

48 UNITS

OBERLIN ROAD

Rateigh, NC

Site Test Fit - Ground Floor



1704041228

ECONOMIDIS, BARBARA J

TOM RICE

950 48TH AVE N STE 200

MYRTLE BEACH SC 29577-5434

1704041480

801 ASSOCIATES

PO BOX 10007

RALEIGH NC 27605-0007

1704041228

ECONOMIDIS, BARBARA J

TOM RICE

950 48TH AVE N STE 200

MYRTLE BEACH SC 29577-5434

1704044011

OBERLIN INVESTORS LLC

C/O ANTHONY & CO

PO BOX 10810

RALEIGH NC 27605-0810

1704044157

JONES, F MICHAEL JR JONES, GAYE G

1619 CANTERBURY RD

RALEIGH NC 27608-1107

1704044293

616 PARTNERS, LLC

702 OBERLIN RD STE 400

RALEIGH NC 27605

0794939962

DANIELS INMAN LLC

BENJAMIN T INMAN

216 WOODS REAM DR

RALEIGH NC 27615-7228

0794938891

OBERLIN VENTURES LLC

4020 YANCEY ROAD

CHARLOTTE, NC 28217-1736

1704032618

WDF-3 WOOD OBERLIN OWNER LLC
CARTER SIEGEL
1001 MOREHEAD SQUARE DR STE 250
CHARLOTTE NC 28203-4163

1704040026

MORGAN, JOYCE CELESTINE
2206 BEDFORD AVE
RALEIGH NC 27607-7302

1704040065

BURTON, JEFFREY R SCHWETZ, ROSELLE
W
523 E EDENTON ST
RALEIGH NC 27601-1127

1704040115

SMITH, LOUIS M
1500 E MARTIN ST
RALEIGH NC 27610-2614

1704040175

OAK CITY PROPERTIES LLC
100 NORTHBROOK DR APT 301
RALEIGH NC 27609-7075

1704040228

BURTON, JEFFREY SCHWARTZ, R W
523 E EDENTON ST
RALEIGH NC 27601-1127

1704040268

TURNER, WILLIAM M SR
2005 FIELDCREST RD E
WILSON NC 27893-5605

1704041151

OBERLIN INVESTORS LLC
C/O ANTHONY & CO
PO BOX 10810
RALEIGH NC 27605-0810

1704045385
OBERLIN BAPTIST CHURCH
806 OBERLIN ROAD
RALEIGH, NC 27605-1131


[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0413343**PIN # **1704041151**
[Account Search](#)
Location Address
0 OBERLIN RDProperty Description
PROPERTY OF OBERLIN INVESTORS LLC
[Pin/Parcel History](#) [Search Results](#) [New Search](#)
[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

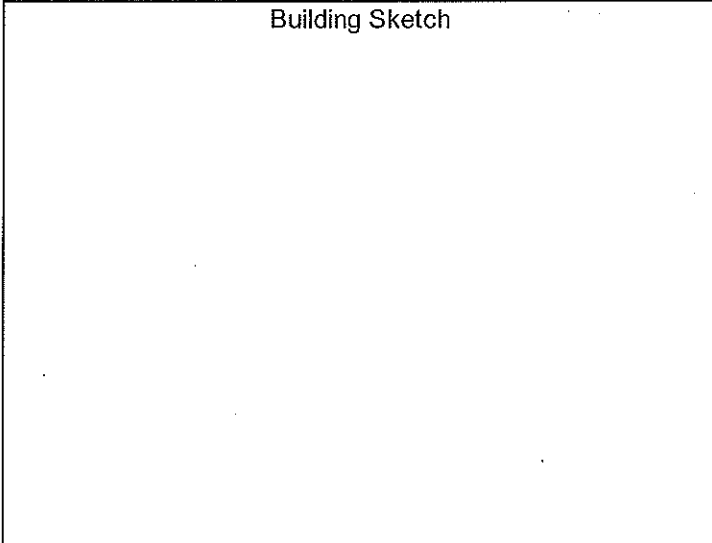

Property Owner OBERLIN INVESTORS LLC (Use the Deeds link to view any additional owners)		Owner's Mailing Address C/O ANTHONY & CO PO BOX 10810 RALEIGH NC 27605-0810	Property Location Address 0 OBERLIN RD RALEIGH NC 27605-
Administrative Data Old Map # D034-- Map/Scale 1704 13 VCS NCRA001 City RALEIGH Fire District Township RALEIGH Land Class COMMERCL ETJ RA Spec Dist(s) Zoning O&I-1 History ID 1 History ID 2 Acreage .54 Permit Date Permit #		Transfer Information Deed Date 9/1/1994 Book & Page 06264 0463 Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value Assessed \$411,635 Bldg. Value Assessed \$14,100 Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$425,735

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID **0413343**PIN # **1704041151**Account
SearchLocation Address
0 OBERLIN RDProperty Description
PROPERTY OF OBERLIN INVESTORS LLC[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 0 OBERLIN RD		Building Description NCRA001		Card 01 Of 01																																																																	
Bldg Type Units Heated Area Story Height Style Basement Exterior Const Type Heating Air Cond Plumbing		Year Blt Addns Int. Adjust. Other Features		Base Bldg Value Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Code Card 01 Value \$14,100 All Other Cards Land Value Assessed \$411,635 Total Value Assessed \$425,735																																																																	
Main and Addition Summary <table border="1"> <thead> <tr> <th>Story</th> <th>Type</th> <th>Code</th> <th>Area</th> <th>Inc</th> </tr> </thead> <tbody> <tr><td>M</td><td></td><td></td><td></td><td></td></tr> <tr><td>A</td><td></td><td></td><td></td><td></td></tr> <tr><td>B</td><td></td><td></td><td></td><td></td></tr> <tr><td>C</td><td></td><td></td><td></td><td></td></tr> <tr><td>D</td><td></td><td></td><td></td><td></td></tr> <tr><td>E</td><td></td><td></td><td></td><td></td></tr> <tr><td>F</td><td></td><td></td><td></td><td></td></tr> <tr><td>G</td><td></td><td></td><td></td><td></td></tr> <tr><td>H</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>			Story	Type	Code	Area	Inc	M					A					B					C					D					E					F					G					H					Other Improvements <table border="1"> <thead> <tr> <th>Units</th> <th>DesItem</th> <th>Code</th> <th>Year</th> <th>%ADJ</th> <th>Inc</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>14654</td> <td>SF PAVASPH</td> <td>0028</td> <td>1990</td> <td>35</td> <td></td> <td>14100</td> </tr> </tbody> </table>			Units	DesItem	Code	Year	%ADJ	Inc	Value	14654	SF PAVASPH	0028	1990	35		14100
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